

THE LAW OFFICE OF


ELISA HYMAN, P.C.

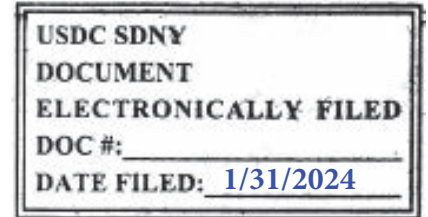
January 25, 2024

BYECF

Hon. Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Application GRANTED. The parties' time to file the joint letter is extended *nunc pro tunc* to **Monday, February 19, 2024**. The Clerk of Court is directed to terminate ECF No. 10. SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Dated: January 31, 2024



Re: L.H.v. *New York City Dep't of Educ., et al.*
23-cv-10955-(JRH)

Dear Judge Rearden:

I represent the Plaintiffs in the above-referenced action. I am writing to request a *nunc pro tunc* extension of time to comply with Your Honor's December 27, 2023 Order. ECF No. 8.

Unfortunately, the December 27th order did not get calendared. My office's main paralegal gave her two weeks' notice and left on December 29, 2023, and our federal paralegal had COVID the week this order was issued. In addition, I was not working at the time the order came in and I was out of the office the rest of that week. I can only presume that our outgoing paralegal who was covering the calendar did not see or calendar this order. Although I was supposed to return on January 2, 2024, I was diagnosed with COVID on January 1, 2024 and was out for the first week of the month.

Additionally, at the time the Order was issued, we had not yet served the complaint in the above action. We discovered the calendaring error yesterday and served the complaint today, along with Your Honor's Order. Due to the above, a specific attorney from the Office of the Corporation Counsel has not yet been assigned although their office has been aware of this action since December 18, 2023. ¹

¹ On December 18, 2023, I emailed a copy of the initial pleadings to the attorney who represents the Defendants in the related case of *M.W. v. New York City Department of Education*, 19-cv-779, as the plaintiff here is a plaintiff in that case raising the same systemic allegations concerning the failure to implement stay-put rights under the IDEA, 20 U.S.C. § 1415(j).

Since Defendants have only been formally served today, Plaintiffs are requesting an extension of time to submit the joint letter until February 19, 2024, which is after Defendants' answer is due.

Thank you for Your Honor's consideration of the above.

Respectfully submitted,

/s/

Elisa Hyman, Esq.

cc: Attorneys of Record
(via ECF)